

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ROOR INTERNATIONAL BV and
SREAM, INC.,

Plaintiffs,

v.

Case No. 8:18-cv-2654-T-60JSS

HOOKAH SENSATION, LLC,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Julie S. Sneed, United States Magistrate Judge, entered on January 10, 2020. (Doc. # 20). Judge Sneed recommends Plaintiffs' "Motion for Default Final Judgment Against Hookah Sensation LLC" (Doc. # 15) be denied without prejudice. Neither Plaintiffs nor Defendant filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The

district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Sneed's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Sneed's detailed and well-reasoned factual findings and legal conclusions, including that the motion for final default judgment should be denied because Plaintiffs have failed to establish proper service of process. Consequently, Plaintiffs' "Motion for Default Final Judgment Against Hookah Sensation LLC" (Doc. # 15) is denied without prejudice.

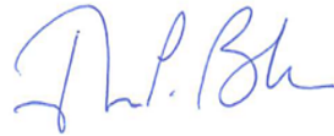
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sneed's report and recommendation (Doc. # 20) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiffs' "Motion for Default Final Judgment Against Hookah Sensation LLC" (Doc. # 15) is hereby denied without prejudice.
- (3) The Clerk's Default (Doc. # 14) is vacated.
- (4) Plaintiffs are directed to, within thirty days, either effect proper service of process upon Hookah Sensation, LLC, or demonstrate proper service in a

second motion for Clerk's default. The failure to do so will result in the dismissal of this action without prejudice, without further notice.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 29th day of January, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE